

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY RAEHEIM GRAHAM,

Petitioner,

No. CIV S-99-2551 LKK JFM P

vs.

GEORGE GALAZA, Warden, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court's May 20, 2005 denial of his application for a writ of habeas corpus. Before petitioner can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).<sup>1</sup>

A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues satisfy the required showing or must state the reasons why such a certificate should not issue. Fed. R. App. P. 22(b).

<sup>1</sup> On June 9, 2005, petitioner filed a request for a forty-five day extension of time to file a request for a certificate of appealability. Good cause appearing, the request will be denied.

1 For the reasons set forth in the magistrate judge's January 25, 2005 findings and  
2 recommendations, petitioner has not made a substantial showing of the denial of a constitutional  
3 right. Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Petitioner's June 9, 2005 request for extension of time is denied;
- 5 2. A certificate of appealability should not issue in this action; and
- 6 3. The Clerk of the Court is directed to process petitioner's appeal to the United  
7 States Court of Appeals for the Ninth Circuit.

8 DATED: July 18, 2005.

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10 /s/Lawrence K. Karlton  
UNITED STATES DISTRICT JUDGE

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